

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
(Charlotte Division)

In re:)
) Chapter 11
JAMES W. ALTIZER,)
) Case No. 16-31471
Debtor.)
_____)

OBJECTION TO CLAIM OF WACHOVIA SBA LENDING

James W. Altizer, debtor in the above-captioned bankruptcy proceeding (the “Debtor”), objects to a claim scheduled in favor of Wachovia SBA Lending (“WSBA”) pursuant to sections 502, 1106, and 1107 of the United States Bankruptcy Code, 11 U.S.C. § 101 *et seq.* (the “Bankruptcy Code”), Bankruptcy Rules 3001, 3003, and 3007, and Local Rule 9013-1(e)(10). In support of his objection, the Debtor states as follows:

1. The Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code in this Court on September 12, 2016 (the “Petition Date”).

2. The Debtor scheduled WSBA as the holder of an unsecured claim in the amount of \$977,906.71, related to a loan made to the Debtor’s former business (the “Scheduled Claim”). WSBA did not file a proof of claim in this case.

3. However, WSBA’s successor in interest, Wells Fargo Bank, N.A. (“Wells Fargo”) filed proof of claim 4-1 on October 26, 2016, which includes the Scheduled Claim of WSBA and is allowed in the Debtor’s *Confirmed Plan of Reorganization*. *See Claim No. 4-1*. For this reason, the Scheduled Claim is duplicative and should be disallowed.

WHEREFORE, the Debtor respectfully requests that the Court disallow the Scheduled Claim of WSBA in its entirety, and that the Court grant such other relief as is just and proper.

Dated: Charlotte, North Carolina
May 10, 2017

MOON WRIGHT & HOUSTON, PLLC

/s/ Richard S. Wright

Richard S. Wright (Bar No. 24622)

121 W. Trade Street, Suite 1950

Charlotte, North Carolina 28202

Telephone: (704) 944-6560

Facsimile: (704) 944-0380

Counsel for the Debtor

CERTIFICATE OF SERVICE

I hereby certify that on this date copies of the foregoing *Objection to Claim of Wachovia SBA Lending* and related *Notice of Opportunity for Hearing* were served by electronic notification on those parties registered with the United States Bankruptcy Court, Western District of North Carolina ECF system to receive notices for this case and on the persons listed below by the United States Postal Service:

Wachovia SBA Lending
1620 E. Roseville Parkway, Suite 100
Roseville, CA 95661

Dated: Charlotte, North Carolina
May 10, 2017

MOON WRIGHT & HOUSTON, PLLC

/s/ Richard S. Wright
Richard S. Wright (Bar No. 24622)
121 W. Trade Street, Suite 1950
Charlotte, North Carolina 28202
Telephone: (704) 944-6560
Facsimile: (704) 944-0380
Counsel for the Debtor